United Nations

A/65/L.52

General Assembly

Distr.: Limited
13 December 2010

Original: English

Sixty-fifth session
Agenda item 32
The role of diamonds in fuelling conflict

Brazil, Israel and Liberia: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative led by the Governments of participant States, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process, and stressing the need to continue its activities in order to achieve this objective,

Calling for the consistent implementation of commitments made by Kimberley Process participant States,

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Acknowledging that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Millennium Development Goals in many producing countries, particularly in developing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included, in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008 and 64/109 of 11 December 2009, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

Welcoming also the decision of forty-nine Kimberley Process Participants, representing seventy-five countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

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[1] See A/57/489.

Noting the outcomes of the plenary meeting of the Kimberley Process hosted by Israel from 1 to 4 November 2010,

Welcoming the important contribution in fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[2] to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts to improve the normative framework of the Kimberley Process through elaborating new rules and procedural norms to regulate the activities of its working bodies, Participants and observers, and streamlining the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[2] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Welcomes* the conditional admission of Swaziland to the Kimberly Process;

4. *Recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

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[2] Ibid., annex 2.

5. *Notes* the efforts to further strengthen implementation of the minimum requirements of the Kimberley Process, to review the implementation of import confirmation requirements and to examine the application of Kimberley Process Certification Scheme requirements in cross-border Internet sales;

6. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,[3] and the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012;[4]

7. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 64/109,[5] and congratulates the participating Governments, the regional economic integration organization, the diamond industry and civil society organizations involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

8. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2010 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

9. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation provided by Participants, and calls on Participants to submit consistent and substantive annual reports in order to conform to this requirement;

10. *Expresses appreciation* to Bangladesh, Belarus and India for receiving review visits, and welcomes the commitment of those countries to continuously open their certification systems to reviews and improvements;

11. *Acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement, and in particular to ensure coordination of Kimberley Process actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement;

12. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, and encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and welcomes the increased involvement of civil society organizations in the Process;

13. *Calls upon* the participants of the Kimberley Process to continue to articulate and improve rules and procedures to further enhance the effectiveness of

[3] World Trade Organization, document WT/L/518. Available from http://docsonline.wto.org.
[4] World Trade Organization, document G/C/W/559/Rev.1. Available from http://docsonline.wto.org.
[5] A/65/607.

the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Process;

14. *Notes with appreciation* the willingness of the Kimberley Process to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Notes with appreciation* the continued cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire, in accordance with the administrative decision on sharing information with the United Nations,[6] and the continued monitoring of the situation in that country on the basis of the reports of the United Nations Group of Experts on Côte d'Ivoire, originally established by the Security Council in its resolution 1584 (2005) of 1 February 2005, and through liaison with Côte d'Ivoire, and encourages the continued cooperation between the Kimberley Process and the United Nations in addressing the issue of diamonds from Côte d'Ivoire, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trade in rough diamonds from Côte d'Ivoire;

16. *Encourages* the continued efforts of the Kimberley Process to strengthen implementation of the Kimberley Process Certification Scheme in West Africa, welcomes Guinea's efforts in this regard and Liberia's actions to respond to the continuing challenges to such implementation, and calls upon Member States that are Kimberley Process Participants to consider supporting Kimberley Process Certification Scheme implementation in West Africa;

17. *Acknowledges with appreciation* the adoption of the initiatives presented by the Chair of the Kimberley Process concerning the cooperation of the Kimberley Process with the World Customs Organization, the establishment of a Sub-Working Group on Trade Facilitation and the establishment of an ad hoc committee for exploring the modalities of enhancing the efficiency of the Kimberley Process, with a view to providing administrative support for its activities;

18. *Acknowledges* the adoption by the plenary of the Kimberley Process of four additional administrative decisions, including on terms of reference for the Chair and the Vice-Chair of the Kimberley Process; procedures for preparation and adoption of documents/decisions in the Kimberley Process; procedures for respecting confidentiality within the Kimberley Process; and the use of the Kimberley Process certificates-based data;

19. *Notes with appreciation* the significant attention and effort devoted by the Kimberley Process to improving efforts related to enforcement, which led to the convening of an enforcement seminar and issuance of a corresponding report entitled "Diamonds without borders: an assessment of the challenges of implementing and enforcing the Kimberley Process Certification Scheme", also notes with appreciation the active involvement of the World Customs Organization in the seminar, and notes that the cooperation between the Kimberley Process and

[6] A/64/559, annex.

the World Customs Organization underscores the need for international cooperation between national and international enforcement organizations;

20. *Notes with satisfaction* the progress of work performed on footprinting diamonds from Guinea, Liberia and Sierra Leone in order to bolster the capacity of the West-African Kimberley Process authorities to address potential contamination of their own productions by sanctioned Ivorian diamonds and on updating of the footprint of Marange diamonds from Zimbabwe;

21. *Acknowledges* with great appreciation the important contribution that Israel, as Chair of the Kimberley Process in 2010, has made to the efforts to curb the trade in conflict diamonds, welcomes the selection of the Democratic Republic of the Congo as Chair, and takes note that the Process has decided to take the decision on the Vice-Chair for 2011 by written procedure;

22. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-sixth session a report on the implementation of the Process;

23. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "The role of diamonds in fuelling conflict".